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Mr. SAMI VENKATACHALAM CHETTI :—" He did not pay it; therefore it is he went to prison. But does not the Magistrate's statement that he was in a position to pay the fine indicate his status and position in life?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" If he was really in a position to pay the fine, he would have paid it. The very fact that he did not pay the fine shows that he was not in a position to do so."

Mr. SAMI VENKATACHALAM CHETTI :—" Is not the hon. the Law Member aware that these satyagrahi prisoners do not pay the fine generally but prefer to go to jail?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I am not aware, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—" Then, will the hon. the Law Member not call them satyagrahi prisoners?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I do not call them so; they call themselves so."

Mr. ABDUL HAMEED KHAN :—" May I know whether or not the Magistrates fine these prisoners without reference to their ability to pay the fine?" 11-30 a.m.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It is all left to the discretion of the trying Magistrate."

Mr. ABDUL HAMEED KHAN :—" May I know whether the Magistrate's discretion is used, or not used, with or without the knowledge that a particular person tried before the Magistrate is able or not able to pay the fine?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As I said before, it all depends entirely on the discretion of the Magistrates."

Mr. ABDUL HAMEED KHAN :—" Is the hon. Law Member aware of any cases of satyagrahis, who are called volunteers, who have been fined such a large sum as thousand rupees?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I believe that there are some persons who were fined to that extent."

Applications for reclassification from prisoners in the Madras Penitentiary.

* 197-C Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Law Member be pleased to state—

(a) how many of the old convicts in the Madras Penitentiary applied to their respective District Magistrates for reclassification after recent Government orders regarding the same;

(b) how many applications were forwarded to the Magistrates and how many were detained by the Superintendent;

(c) why the Superintendent kept the applications of convicts pending without forwarding them or acting upon the recommendations of the Magistrates;

(*d*) in how many cases the Superintendent acted upon the recommendations of the Magistrates;

(*e*) whether it is a fact that Retcham Chenna Reddi and his brother Bala Reddi of Kurnool district were recommended by the Magistrate to be given 'B' class and whether the Superintendent has given effect to such recommendation; and

(*f*) if not, why not?

A.—(*a*) *to* (*d*) The Government have no information. Under the orders of the Government of India, reclassification of prisoners who were undergoing their sentences before the new Jail rules came into force should be carried out by the jail authorities subject to confirmation and review by the Local Government.

(*e*) The two prisoners were recommended by the District Magistrate to be placed in class 'B', but the Government directed that they should be placed in class 'C'.

(*f*) Does not arise.

Mr. SAMI VENKATACHALAM CHETTI:—"With reference to the answer given by the hon. the Law Member to the previous question, namely, that in all these matters the Government are guided by the opinion of the District Magistrates, will the hon. the Law Member be pleased to state that in this particular case when the District Magistrate recommended the particular accused to be placed in the 'C' class, why should the Government interfere with his discretion?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am afraid that my hon. Friend has misunderstood me. I never said that the Government are guided entirely by the opinion of the District Magistrate. The Government ask the District Magistrate to furnish Government with information and the Government on receipt of that information scrutinize it and come to their own conclusions. Sometimes the conclusion of the Government is identical with that of the District Magistrate and sometimes not."

Mr. A. RANGANATHA MUDALIYAR:—"Arising out of this answer, for how many days or for what period, these two prisoners were kept in 'B' class before they were re-transferred to class 'C'?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Till the final orders were passed by the Government, they were to continue in the class to which they were recommended by the District Magistrate."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know from the hon. the Law Member what was the reason which actuated the Government to revise the classification ordered by the District Magistrate?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government were satisfied, on the information contained in the report of the District Magistrate, that the persons concerned were not accustomed to the high standard of living."

Mr. SAMI VENKATACHALAM CHETTI:—"Will the hon. Member be pleased to state that the District Magistrate passed orders in direct contradiction to his own information as to the standard of living of these two accused persons?"

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"The District Magistrate came to a conclusion and the Government differed from his conclusion."

Mr. SAMI VENKATACHALAM CHETTI :—" Having regard to the fact that Government are prepared to differ from the conclusions of the District Magistrate, may I know why they have not done so in the case of the other accused, Paripudi Rama Mohan Rao of Cocanada ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Because there was no material on which the Government could differ."

Mr. SAMI VENKATACHALAM CHETTI :—" So, there is no material for recommending that man to be placed in the 'B' class ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No, there is no material."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know whether on that basis Government could not revise the classification of these prisoners ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" In that particular case Government agreed with the opinion of the District Magistrate."

Mr. SAMI VENKATACHALAM CHETTI :—" Does that mean that apart from the District Magistrate's enquiry, the Government have got another agency, which gives opinion as to the status and position of persons ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No, Sir."

Mr. ABDUL HAMEED KHAN :—" Then how is it that Government come to conclusions different from the Magistrate, on the materials furnished by the District Magistrate ? "

Mr. A. RANGANATHA MUDALIYAR :—" With reference to the answer to clause (*e*), namely, that the District Magistrate recommended that these two persons should be placed in class 'B,' I want to know what the materials are which made the Government differ from the District Magistrate and place them in class 'C' ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Materials which led Government to believe that the men were not accustomed to a higher standard of living."

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the District Magistrate made no reference to their previous status when he recommended the 'B' class to them ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" He did."

Satyagraha prisoners in Cannanore Jail.

* 197-D Q.—Mr. C. R. PARTHASARATHI AYYANGAR : Will the hon. the Law Member be pleased to state—

(*a*) the number of Satyagraha prisoners in Cannanore Jail in 1930 ;
(*b*) how many of them were convicted for a year and over ;